



Texas Department of Insurance

Division of Workers' Compensation

Medical Fee Dispute Resolution, MS-48

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MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name

Nueva Vida Behavioral Health and Associates

Respondent Name

Texas Mutual

MFDR Tracking Number

M4-13-1262-01

Carrier's Austin Representative

Box Number 54

MFDR Date Received

January 22, 2013

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "...we are the referring HCP and we are billing for case management service..."

Amount in Dispute: \$56.00

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "The date of services is 1/19/12. One year from 1/19/12 is 1/19/13. The DWC MDR date stamp on the cover of the requestor's DWC-60 shows 1/22/13, a date greater than one year. Thus DWC MDR should dismiss the requestor's request as untimely for this date of service."

Response Submitted by: Texas Mutual

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
January 19, 2012 June 11, 2012	99361	\$56.00	\$0.00

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
2. 28 Texas Administrative Code §134.204 sets out the reimbursement guidelines for case management services.
3. The services in dispute were reduced/denied by the respondent with the following reason codes:
 - 744 – Does not meet the definition of case management per DWC rule 134.202 and/or 134.204
 - 193 – Original payment decision is being maintained.

Issues

1. Did the requestor submit required documentation as required by rule 134.204?

2. Is the requestor entitled to reimbursement?

Findings

1. 28 Texas Administrative Code 133.307(c) states in pertinent part, "Requests for MFDR shall be filed in the form and manner prescribed by the division. Requestors shall file two legible copies of the request with the division. (1) Timeliness. A requestor shall timely file the request with the division's MFDR Section or waive the right to MFDR. The division shall deem a request to be filed on the date the MFDR Section receives the request. A decision by the MFDR Section that a request was not timely filed is not a dismissal and may be appealed pursuant to subsection (g) of this section. (A) A request for MFDR that does not involve issues identified in subparagraph (B) of this paragraph shall be filed no later than one year after the date(s) of service in dispute. The date of service January 19, 2012 was received January 22, 2013 which is after the one year requirement. This date of service is not eligible for review.
2. The carrier denied the disputed service for date of service June 11, 2012 as, 744 – "Does not meet the definition of case management per DWC rule 134.202 and/or 134.204." 28 Texas Labor Code §134.204(e)(4) states in pertinent part, "Case management services require the treating doctor to submit documentation that identifies any HCP that contributes to the case management activity." Review of the submitted documentation finds the following;
 - a. Case management note dated 6-11-2012 states, "General Purpose: Care Coordination" "Specific Purpose: Revising Treatment Plan" "Outcome: hold on future psychological care, patient completed partial sessions, on hold."Review of the submitted documentation finds nothing to support the treating physician participated in the case management service. The carrier's denial is supported.
3. The Division finds requirements of Rule 134(e)(4) not met. Therefore, no additional payment can be recommended.

Conclusion

For the reasons stated above, the Division finds that the requestor has not established that additional reimbursement is due. As a result, the amount ordered is \$0.00.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code §413.031, the Division has determined that the requestor is entitled to \$0.00 reimbursement for the disputed services.

Authorized Signature

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Signature	Medical Fee Dispute Resolution Officer	August , 2014 Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, effective May 31, 2012, 37 *Texas Register* 3833, **applicable to disputes filed on or after June 1, 2012.**

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.